

**Amendments to the drawings:**

Applicant submits a replacement sheet for the originally filed FIG. 3. Applicant also includes an annotated sheet to show changes from the originally filed FIG. 3.

Attachments: Replacement sheet.

Annotated Sheet Showing Changes.

**REMARKS**

In the Office Action mailed June 6, the Examiner objected to the drawings for failing to show details from the specification; objected to the specification for using inconsistent language; rejected claims 1-14 under 35 U.S.C. §102(a) as anticipated by United Scripters; rejected claims 1-6 and 11 as unpatentable over U.S. Patent Publication No. 2003/0233340 to Flasz et al. (Flasz) in view of U.S. Patent No. 5,953,717 to Wijnholds; rejected claims 7-10 and 12 under 35 U.S.C. §103(a) as unpatentable over Flasz in view of Wijnholds and further in view of U.S. Patent Publication No. 2005/0102276 to Dinh; and rejected claims 13-14 under 35 U.S.C. §103(a) as unpatentable over Dinh in view of Flasz.

In response to the Examiner's objections, Applicant amends the specification and provides a replacement drawing sheet for FIG. 3. Applicant submits that the basis for the Examiner's objections to the drawings and specification are now moot.

**Rejection of Claims 1-14 Under 35 U.S.C. §102(a)**

The Examiner rejected claims 1-14 under 35 U.S.C. §102(a) as anticipated by United Scripters. Applicant traverses this rejection.

At the outset, Applicant submits that the Examiner has appeared to have improperly combined two documents, namely, United Scripters, <http://www.unitedscripters.com/Feb 8, 2004 and Waybackmachine,> [http://web.archive.org/web/\\*/http://www.unitedscripters.com/scripts/algo6.html](http://web.archive.org/web/*/http://www.unitedscripters.com/scripts/algo6.html). Because the Examiner appears to be using two references rather than a single reference, the rejection under 35 U.S.C. §102(a) is improper and should thus be withdrawn.

Moreover, Applicant submits that the two references were not provided with the Office Action and were not found on PAIR. Applicant requests that the Examiner provide copies of both references to ensure an accurate record.

Claim 1 defines a method of fast case-sensitive search of a dictionary using one or more search terms, wherein the dictionary comprises an ordered list of terms. Claim 1 recites a

combination including, among other things, "setting a dictionary sorting function to sort the ordered list of terms based on case sensitivity." The Examiner alleges that United Scripters at page 3, lines 12-20 discloses the noted claim recitation of claim 1. For example, United Scripter says:

My concept was: given an Array whose length is remarkable, say 50,000 entries, you can divide it in a set of smaller segments; the default length of such segments is 50, but you can make them longer or shorter by passing the arguments; in our case, 50 would divide the 50,000 entries long Array into 1000 smaller Objects.  
On each of these objects my multiBinary triggers what I call (another relatively cool feature) a double edge zip scan, namely one counter scans its lot of 1000 entries from the top down while another scans it from the bottom up and at most they stop midway (*at most* means: unless they find a match first!); at the same time all the other subsets of 1000 entries would be double edge scanned as well.  
No wonder this may make you locate an entry position with a speed dramatically higher than a simple linear loop.

United Scripters, p. 3, lines 10-20. A careful reading of the above passage clearly shows that nowhere does the above passage disclose any sorting based on case sensitivity. Accordingly, United Scripters fails to disclose at least the following feature of claim 1: "setting a dictionary sorting function to sort the ordered list of terms based on case sensitivity." Therefore, United Scripters fails to anticipate claim 1, and the rejection under 35 U.S.C. §102(a) of claim 1 and claims 2-5, at least by reason of their dependency from independent claim1, should be withdrawn.

Claim 6, amended to include the subject matter of claims 11 and 12, recites a combination including, among other things, "determining a last term of the ordered list that is case insensitively equal to a search term, and converting the search term to all lower case characters to obtain the last term." The Examiner alleges that United Scripters at page 3, lines 7-10 and page 4, lines 7-9 discloses the noted features. At best, the cited passages disclose that the "case" can be any case, i.e., upper or lower case. But the cited passages do not disclose converting a search term to all lower case to more readily determine the last term in an ordered list. Accordingly, United Scripters fails to disclose the "determining" step recited in

claim 6, and claim 6 is thus not anticipated by United Scripters. Therefore, the rejection of claim 6, and claims 7-10, at least by reason of their dependency from claim 6, should be withdrawn.

Claim 13 recites a combination of elements including, among other things, "a search engine configured to receive a user search query for a search of the dictionary, and to return a search result list, and wherein the search engine is further configured to enable a user to select whether to perform a case-sensitive or case-insensitive search of the dictionary."

The Examiner alleges that United Scripters at page 3-6, lines 5-11 discloses a search engine configured to enable a user to select whether to perform a case sensitive or case insensitive search of the dictionary. Office Action, page 4, lines 5-6 The cited passage, however, is silent with respect to the features noted above with respect to claim 13. Instead, the cited passage of United Scripters describes the use of four "subroutines" to "help" with the sorting process. None of the sorting subroutines constitutes a search engine configured to allow a user to select between a case sensitive or insensitive search. Accordingly, United Scripters fails to disclose "a search engine" as recited in claim 13. Therefore, claim 13 is not anticipated by United Scripters, and the rejection of claim 13, and claim 14, at least by reason of its dependency from claim 13, should be withdrawn.

### **35 U.S.C. §103(a) Rejection of Claims 1-6 and 11**

The Examiner rejected claims 1-6 and 11<sup>1</sup> under 35 U.S.C. § 103(a) as unpatentable over Flasza in view of Wijnholds. Applicant respectfully traverses this rejection.

Claim 1 recites a combination of steps including, among other things, "determining, according to the dictionary sorting function, whether a term corresponding to a search term is in an upper or lower half of the ordered list."

Flasza teaches a system for sorting data using a "collating weight" to determine which of two character strings has a lower weight according to one of two dictionaries, namely a first dictionary with a non-unique collating sequence (FIG. 3) and a second dictionary with a unique

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<sup>1</sup> Applicant cancels claim 11 and incorporates its subject matter into claim 6.

collating sequence (FIG. 2). Flasza, para. 0010. However, using Flasza's collating weights does not constitute "determining, according to the dictionary sorting function, whether a term corresponding to a search term is in an upper or lower half of the ordered list." Indeed, the Examiner acknowledges at page 5 of the Office Action that Flasza does not teach the above-noted feature of claim 1. To attempt to fill the void in Flasza's disclosure, the Examiner relies on Wijnholds. Although Wijnholds at column 1, lines 55-67 discloses a binary search, nowhere does Wijnholds address the problems of case-sensitive searching. As a consequence, Wijnholds fails to cure the noted deficiencies of Flasza. Because neither Flasza nor Wijnholds discloses or suggests the "determining" step recited in claim 1, claim 1 and claims 2-5, at least by reason of their dependency from claim 1, are patentable over Flasza and Wijnholds, whether taken alone or in combination. Therefore, the rejection of claim 1-5 under 35 U.S.C. §103(a) should be withdrawn.

Amended claim 6 recites a combination including, among other things, "determining a last term of the ordered list that is case insensitively equal to a search term, and converting the search term to all lower case characters to obtain the last term." Nowhere does Flasza or Wijnholds disclose this step. Moreover, the Examiner does not even allege that these references teach this claimed feature. Accordingly, neither Flasza nor Wijnholds discloses or suggests the "determining" step recited in amended claim 6. Therefore, claim 6 is patentable over Flasza and Wijnholds, and the rejection of claim 6 under 35 U.S.C. §103(a) should be withdrawn.

Moreover, the Examiner alleges that even though Flasza lacks many of the claimed features, one of ordinary skill would be motivated to combine Flasza with Wijnholds. Other than using impermissible hindsight, the Examiner has failed to show a motivation to combine from the references themselves, rather than the Applicant's disclosure. Applicant submits that the Examiner has not satisfied the initial burden of factually supporting a *prima facie* case of obviousness (see M.P.E.P. § 2142).

According to M.P.E.P. § 2142, the Examiner must establish three criteria to make a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In this case, the Examiner appears to use hindsight, as noted above, since Applicant fails to comprehend why a skilled artisan would be motivated to combine the disparate teachings of Flasza's system addressing the problems of using collating weights and unique and non-unique collating sequences with Wijnholds' addressing the problems of iterative searching. Second, there must be a reasonable expectation of success. The Examiner has failed to show whether collating weights and unique and non-unique collating sequences would be operative with Wijnholds' iterative system (and Applicant doubts such a combination is possible). Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As noted above, the references whether taken alone or in combination fail to teach each and every element of the claims rejected under section 103. Applicant submits that the Examiner has failed to establish each of these three criteria and has, thus, failed to support a *prima facie* case of obviousness. Absent such support, the rejections under 35 U.S.C. §103(a) should be withdrawn for this additional reason.

**35 U.S.C. §103(a) Rejection of Claims 7-10 and 12**

The Examiner rejected claims 7-10 and 12 under 35 U.S.C. § 103(a) as unpatentable over Flasza in view of Wijnholds, and further in view of Dinh.<sup>2</sup> Applicant respectfully traverses this rejection.

Claims 7-10 depend from claim 6 and include all the features therein including, among other things, "determining a last term of the ordered list that is case insensitively equal to a search term, and converting the search term to all lower case characters to obtain the last term." For at least the reasons noted above, neither Flasza nor Wijnholds discloses the noted feature.

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<sup>2</sup> Applicant cancels claim 12 and incorporates its subject matter into claim 6.

The Examiner alleges that Dinh at paragraphs 0045 and 0046 discloses converting the search term to all lower case to obtain the last term. But a careful reading of those paragraphs shows that Dinh does not disclose converting the search term to all lower case characters to obtain the last term. At best, Dinh says "For example, the predetermined pattern of characters may be all uppercase characters, all lowercase characters, a predetermined pattern of uppercase or lowercase, or the like." Accordingly, neither Flasza, Wijnholds, nor Dinh discloses or suggests the claimed "determining" step recited above. Therefore, claims 7-10 are patentable over Flasza, Wijnholds and Dinh, whether taken alone or in combination, and the rejection of claims 7-10 under 35 U.S.C. §103(a) should be withdrawn.

Once again, the Examiner appears to allege that even though Flasza lacks many of the claimed features, one of ordinary skill would be motivated to combine Flasza with Wijnholds and a third reference Dinh. Other than using impermissible hindsight, the Examiner has failed to show a motivation to combine. For at least the reasons noted above with respect to the Flasza and Wijnholds combination, Applicant submits that the Examiner has not satisfied the initial burden of factually supporting a *prima facie* case of obviousness (see M.P.E.P. § 2142). The rejection under 35 U.S.C. §103(a) of claims 7-10 should be withdrawn for this additional reason.

#### **35 U.S.C. §103(a) Rejection of Claims 13-14**

The Examiner rejected claims 13-14 under 35 U.S.C. § 103(a) as unpatentable in view of Dinh in view of Flasza. Applicant respectfully traverses this rejection.

Claim 13 recites a combination of elements including, among other things, "a search engine configured to receive a user search query for a search of the dictionary, and to return a search result list, and wherein the search engine is further configured to enable a user to select whether to perform a case-sensitive or case-insensitive search of the dictionary." The Examiner acknowledges that Dinh fails to disclose "a search engine" as recited in claim 13. Office Action, page 8. Although Flasza addresses sorting data using a "collating weight" to determine which of two character strings has a lower weight according to a first dictionary with a non-unique

collating sequence (FIG. 3) and a second dictionary with a unique collating sequence (FIG. 2), Flasza is silent with respect to (nor does the Examiner allege that it teaches) a search engine configured to enable a user to select whether to perform a case-sensitive or case-insensitive search of the dictionary. Flasza, para 0010. Therefore, claims 7-10 are patentable over Dinh and Flasza, whether taken alone or in combination, and the rejection under 35 U.S.C. §103(a) of claim 13 and claim 14, at least by reason of its dependency from claim 13, should be withdrawn.

Yet again, the Examiner appears to allege that even though Dinh lacks many of the claimed features, one of ordinary skill would be motivated to combine Flasza with Dinh. Other than using impermissible hindsight, the Examiner has failed to show a motivation to combine. For at least the reasons noted above with respect to the Flasza, Dinh Wijnholds combination, Applicant submits that the Examiner has not satisfied the initial burden of factually supporting a *prima facie* case of obviousness (see M.P.E.P. § 2142). The rejection under 35 U.S.C. §103(a) of claims 13 and 14 should be withdrawn for this additional reason.

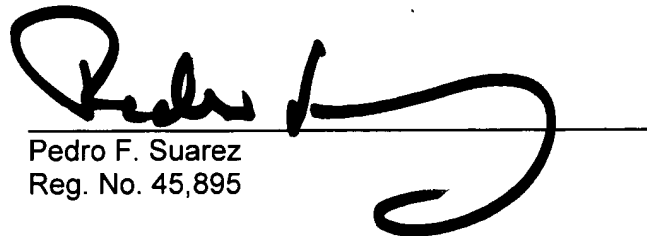


**CONCLUSION**

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant is concurrently filing herewith a Petition for a one month extension of time with the requisite fee. Enclosed herewith is a check for \$120.00 to reply the previous office action. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-092-UTL.

Respectfully submitted,

  
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Reg. No. 45,895Date: 5 October 2006

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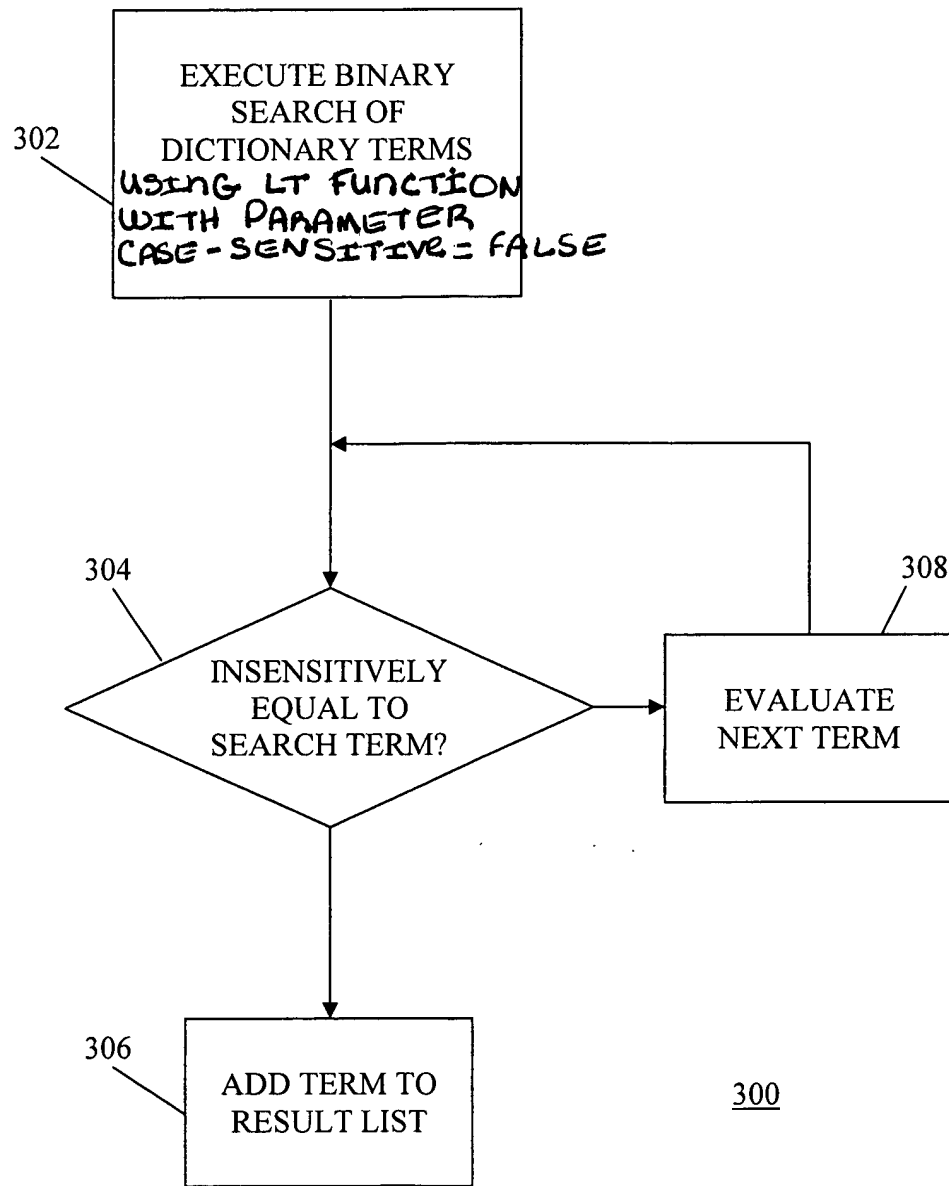


FIG. 3